



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember
Donald Rocha

SUBJECT: PDC13-017

DATE: September 23, 2014

Approved

Date

RECOMMENDATION

That the City Council approve the recommendation of the Planning Commission to approve the proposed planned development rezoning.

ANALYSIS

Bay 101 is currently a legal business in San Jose. If they desire to move their business from one location to another, just as the former Garden City Casino did a few years ago, I believe we should allow them that opportunity (so long as their new location is appropriate under our land use rules.) As Commissioner Bit-Badal noted at the Planning Commission meeting, "this is not a new casino. This is the moving of an existing one."

In his memo dated September 22, however, Councilmember Liccardo seems to suggest the possibility that approval of this project could result in a new casino within the County. If there is any specific evidence pointing towards that possibility I would very much like to consider it, but as yet I have not seen any. AB 2549 (Ridley-Thomas) the State bill which proposed to allow a casino to move, contemplates authorizing "a gambling establishment's relocation to the City of Milpitas from another location in the County of Santa Clara," not the opening of a new casino. In fact, it explicitly states that the proposed legislation "respects the Legislature's policy, adopted in the moratorium, to not authorize new licenses." Legislation can always change, but there doesn't seem to be any suggestion that a new casino is contemplated.

I appreciate that some would prefer that gambling were never allowed within the County. I also appreciate that there are legitimate concerns as to the negative effects of gambling on our community. My take is that whether we like it or not, we do have two legal casinos, and the best way to deal with their potential negative effects is through an effective regulatory program. Treating them as if they're illegal by denying a reasonable request to change locations is not an effective approach.